

MUNICIPAL CLERK
CITY OF ATLANTAAN ORDINANCE
BY COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF DELMAR AVENUE, SAID PORTION BEING 436.72 FEET IN LENGTH RUNNING BETWEEN DELMAR COURT AND THE CSX RAILROAD, BEING .308 ACRES IN AREA, AND LYING IN LAND LOT 22, 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS the City of Atlanta has received a petition to abandon a portion of the right-of-way of Delmar Avenue, said portion being 436.72 feet in length running between Delmar Court and the CSX Railroad, being .308 acres in area, and lying in Land Lot 22 of the 14th District of Fulton County, Georgia; and

WHEREAS the Commissioner of the Department of Public Works has determined that said petition is complete and that the petition was originated prior to the requirement of a \$2000 application fee; and

WHEREAS public utility owners have been notified of the petition for abandonment and responses have been received; and

WHEREAS the petitioner is the owner of the primary portion of land abutting the street right-of-way proposed to be abandoned and petitioner will utilize the abandoned portion of said street right-of-way for residential purposes; and

WHEREAS the petitioner agrees to purchase from the City of Atlanta at appraised fair market value, the abandoned street right-of-way, and

WHEREAS all other abutting property owners have agreed to waive their right to acquire a prorated portion of the right-of-way; and all of the abandoned street right-of-way shall become a part of the petitioner's abutting private property and shall be their responsibility to maintain; and

WHEREAS as currently configured, the abandonment of the right-of-way would "landlock" a parcel of land, the petitioner further agrees to consolidate the abutting property lying to the north of the proposed abandoned right-of-way and the abutting property lying to the south of the proposed right-of-way into one parcel that includes the abandoned right-of-way, as a condition of abandonment..

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. That a portion of the right-of-way of Delmar Avenue, said portion being 436.72 feet in length running between Delmar Court and the CSX Railroad, being .308 acres in area, and lying in Land Lot 22 of the 14th District of Fulton County Georgia, as shown on the attached survey is hereby declared no longer useful or necessary for the public use and convenience.

Section 2. That the City of Atlanta hereby abandons the above described portion of Delmar Avenue with the reservation of permanent easements to for the purpose of entering the property to operate, maintain, or replace gas, electric power, sewer or other utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 3. That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the street right-of-way to be abandoned.

Section 4. That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 3P02-574001-M22F03349999.

Section 5. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, the City Attorney is hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way stipulating the consolidation of any land-locked parcels as a condition of the abandonment.

Section 6. That the Mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied.

Section 7. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.